

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**BETTER MOUSE COMPANY, LLC,**

*Plaintiff,*

v.

**XEBEC, INC.**

*Defendant.*

**Civil Action No. 6:22-cv-1277**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Better Mouse Company, LLC (“BMC” or “Plaintiff”) files this original complaint against Xebec, Inc. (“Defendant”) for patent infringement and alleges as follows:

**PARTIES**

1. BMC is a Texas limited liability company, with a principal place of business in Tyler, Texas.

2. Defendant is a Delaware corporation, with a principal place of business at 500 San Marcos Street, Suite 101, Austin, Texas 78702. Defendant has been registered to conduct business within the State of Texas since at least 2019. Defendant may be served through its registered agent: Registered Agent Solutions Inc. at Corporate Center One, 5301 Southwest Parkway, Suite 400, Austin, Texas 78735.

**JURISDICTION AND VENUE**

3. This is an action for infringement of a United States patent arising under Title 35 of the United States Code. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400, as Defendant is deemed to reside within this district because Defendant is subject to this Court's personal jurisdiction by maintaining their principal place of business within this district. Similarly, venue is proper in this district because Defendant has committed acts of infringement and has a regular and established place of business in this district.

### **THE TECHNOLOGY**

5. The patent-in-suit, U.S. Patent No. 7,532,200 ("the '200 Patent"), entitled "Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse," teaches a device capable of setting the resolution for a computer mouse, often measured in "dots-per-inch" (DPI). The resolution determines how much the mouse cursor moves on a computer screen for each corresponding movement of the mouse itself by the user. For example, if the DPI ratio is 1:1, the cursor moves one "dot" on the screen per inch of motion by the mouse. Depending on an individual user's needs, that ratio (resolution) can be adjusted to provide the user with a customized experience. For example, a user playing computer games may wish for more precise control of the cursor and adjust the resolution so that each movement on the screen requires a larger movement of the mouse itself.

6. In the prior art, adjusting the resolution generally required installing a software driver on a connected computer, and changing the resolution within that software program. The user first needed to install the software, which required a separate item such as a CD-ROM. Next, the user must locate the installed software on the computer and then determine how to adjust the desired parameter within the software. In contrast, the inventor of the technology described in the '200 Patent developed a mouse that includes a button and/or switch on the mouse for adjusting the resolution by hand to generate a resolution value, without using a software driver or tool that is

external to the mouse. Among other advantages, this approach allows the user to directly adjust the mouse's resolution quickly and easily, without using a software driver or tool on the connected computer.

7. On May 12, 2009, the '200 Patent was duly issued by the United States Patent and Trademark Office. A copy of the '200 Patent is attached hereto as Exhibit A.

8. BMC is the owner of the '200 Patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '200 Patent against infringers, and to collect damages for all relevant times.

9. BMC and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '200 Patent.

**CLAIM I – INFRINGEMENT OF U.S. PATENT NO. 7,532,200 (35 U.S.C. § 271)**

10. BMC repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Defendant, without authority, makes, uses, sells, offers for sale, and/or imports in the United States the Xebec computer mice marketed simply as "The Mouse" ("Accused Products"), which infringe one or more claims of the '200 Patent, either literally and/or under the doctrine of equivalents. Defendants' infringement in this regard is ongoing



12. The Accused Products meet every limitation of at least Claim 6 of the '200 Patent. For example, to the extent the preamble is limiting, the Accused Products comprise an apparatus for setting multi-stage displacement resolution of a mouse.

## PRODUCT DETAILS

- 4-way scrolling (up | down | left | right)
- Forward and back buttons
- Bluetooth 5.1 connectivity with auto sleep
- **Adjustable DPI button for fine-tuned mouse sensitivity**
- Rechargeable via USB-C charging port (cable included)

13. The Accused Products comprise a X-Y axis plane displacement detector, for sensing a distance and a moving direction generated by the mouse in a two-dimensional space.



14. The Accused Products comprise an N-stage switch for setting a resolution value, the N-stage switch circuit having a switching button capable of being manually switched to one of

positions 1 to N, and accordingly activating a connected resolution setting pin to indicate a state, where N is a positive integer.

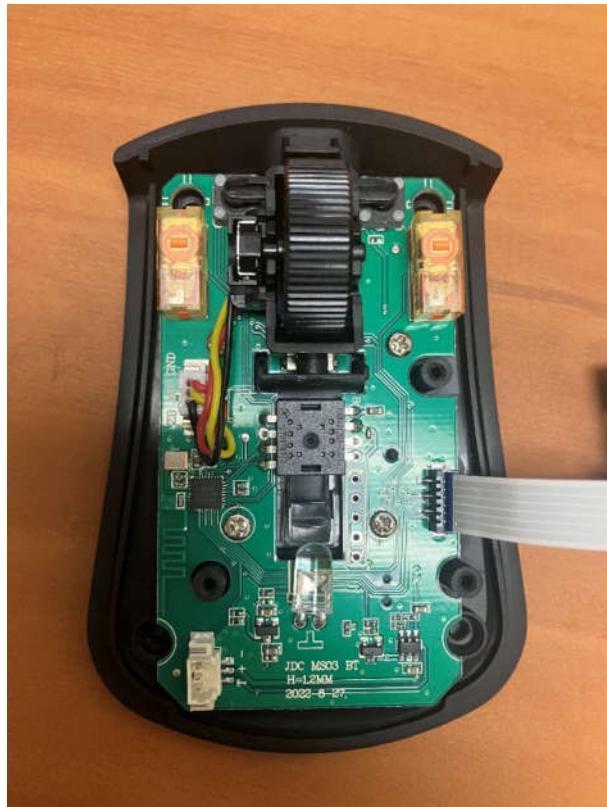


5

### DPI Button

- Low, Medium, & High Mouse Sensitivity Settings

15. The Accused Products comprise a mouse micro controller with a register, coupled to the X-Y axis plane displacement detector and the switching circuit, the mouse micro controller determining the resolution value based on the state of the connected resolution setting pins, setting a mouse resolution based on the resolution value and storing the resolution value in the register, the mouse micro controller responding to the distance and moving direction sensed by the X-Y axis plane displacement detector to provide a control signal to a computer connected to the mouse, thereby moving the mouse cursor on a screen of the computer, the mouse cursor being moved directly based on the resolution value stored in the register.



#### Can I Adjust The Sensitivity (DPI) of The Mouse?

Yes! You are able to change the sensitivity of The Mouse using the DPI (Dots Per Inch) Button on the top. This will adjust the sensitivity of the cursor when the mouse is moved.



Cycle through three different options: 600, 800 & 1200 DPI.

16. BMC has been damaged as a result of Defendant's infringement of the '200 Patent. Thus, Defendant is liable to BMC in an amount that adequately compensates BMC for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

Wherefore, BMC respectfully prays for:

- A. A judgment be entered against Defendant for infringing at least one or more claims of the '200 Patent, directly and/or indirectly, literally and/or under the doctrine of equivalents;
- B. An award of damages sufficient to compensate BMC for Defendant's infringement under 35 U.S.C. § 284, including an enhancement of damages on account of Defendant's willful infringement;
- C. That the case be found exceptional under 35 U.S.C. § 285 and that BMC be awarded its reasonable attorneys' fees;
- D. Costs and expenses in this action;
- E. An award of prejudgment and post-judgment interest; and
- F. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, BMC respectfully demands a trial by jury on all issues so triable by jury.

DATED: December 14, 2022

Respectfully submitted,

By: /s/Hao Ni  
Hao Ni  
Texas Bar No. 24047205  
hni@nilawfirm.com  
Nicholas Najera  
Texas Bar No. 24127049  
nnajera@nilawfirm.com

**Ni, Wang & Massand, PLLC**  
8140 Walnut Hill Ln., Ste. 500  
Dallas, TX 75231  
Tel: (972) 331-4600  
Fax: (972) 314-0900

*COUNSEL FOR PLAINTIFF  
BETTER MOUSE COMPANY, LLC*